

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

TEVIN BREVARD,

Plaintiff,

v.

Civil Action No. **3:24CV377**

C. HESTER, *et al.*,

Defendants.

MEMORANDUM OPINION


Plaintiff, a Virginia inmate proceeding *pro se* and *in forma pauperis*, filed this 42 U.S.C. § 1983 action. In order to state a viable claim under 42 U.S.C. § 1983, a plaintiff must allege that a person acting under color of state law deprived him or her of a constitutional right or of a right conferred by a law of the United States. *See Dowe v. Total Action Against Poverty in Roanoke Valley*, 145 F.3d 653, 658 (4th Cir. 1998) (citing 42 U.S.C. § 1983). Plaintiff's current allegations fail to provide each defendant with fair notice of the facts and legal basis upon which his or her liability rests. Accordingly, by Memorandum Order entered on September 18, 2024, the Court directed Plaintiff to submit a particularized complaint within thirty (30) days of the date of entry thereof. The Court warned Plaintiff that the failure to submit the particularized complaint would result in the dismissal of the action.

Thereafter, by Memorandum Order entered on October 29, 2024, the Court granted Plaintiff an extension of twenty (20) days from the date of entry thereof to file a particularized complaint. (ECF No. 17.) On November 21, 2024, Plaintiff filed a letter complaining about his conditions of confinement. Plaintiff fails to explain how those conditions prevented him from drafting a particularized complaint. Further, Plaintiff does not seek a further extension of time.

Because Plaintiff has failed to file a particularized complaint or explain his failure to do so, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order will accompany this Memorandum Opinion.

Date: 12/9/24
Richmond, Virginia

/s/ 

John A. Gibney, Jr.
Senior United States District Judge